

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

DR. FADI CHAABAN, DR. SABINO
R. TORRE, DR. CONSTANTINOS A.
COSTEAS, and DR. ANTHONY J.
CASELLA, as Trustees of
Diagnostic & Clinical
Cardiology, P.A. Profit
Sharing Plan,

Plaintiffs,

V.

DR. MARIO A. CRISCITO,

Defendant.

Civ. No. 08-1567 (GEB)

ORDER

BROWN, Chief Judge

This matter comes before the Court upon: (1) the motion for summary judgment filed by Plaintiffs Doctors Fadi Chaaban, Sabino R. Torre, Constantinos A. Costeas, and Anthony J. Casella (collectively, “Plaintiffs”); and (2) the motion for summary judgment filed by Defendant Doctor Mario A. Criscito (“Defendant”). (Docs. No. 57, 58.) The Court has reviewed the parties’ submissions and decided these motions without oral argument pursuant to Federal Rule of Civil Procedure 78. For the reasons set forth in the accompanying memorandum opinion;

IT IS THIS 31st, day of January, 2011, hereby

ORDERED that Plaintiffs' motion is GRANTED regarding Defendant's liability for breach of his fiduciary duties under ERISA and any compensatory damages caused by that breach;

ORDERED that Plaintiffs shall submit a supplemental brief that addresses the appropriate calculation of interest regarding Plaintiffs' compensatory damages not later than 20 days from the date of this order;

ORDERED that Defendant may submit a brief in opposition to Plaintiffs' foregoing supplemental brief not later than 10 days after Plaintiffs file same;

ORDERED that Plaintiffs may file a reply brief not later than 5 days after Defendant files his foregoing opposition brief, if any;

ORDERED that Plaintiffs' motion is DENIED regarding punitive damages;

ORDERED that Plaintiffs' motion is DENIED without prejudice regarding attorney's fees;

ORDERED that Defendant's motion is DENIED.

/s/ Garrett E. Brown, Jr.
GARRETT E. BROWN, JR., U.S.D.J.